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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/942,005 10/01/97 CHARI

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EXAMINER

NAJJAR, S

ART UNIT

PAPER NUMBER

2154

DATE MAILED:

08/27/01

32

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.

08/942,005

Applicant(s)

CHARI ET AL.

Examiner

Saleh Najjar

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 and 27-34 is/are allowed.
- 6) ☒ Claim(s) 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. This action is responsive to the amendment filed on June 8, 2001. Claims 1, 13, 22, 25, and 34 were amended. Claims 1-25, and 27-35 are pending examination. Claims 1-25, and 27-35 represent an apparatus directed toward an alert configurator and manager.

2. The nonstatutory double patenting rejection made in the previous office action is hereby withdrawn in view of the terminal disclaimer that was faxed by the applicant in paper No. 30.

3. The objection to the specification made office action Paper No. 15 is hereby withdrawn in view of the substitute specification faxed in paper No. 31.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dev et al., U.S. Patent No. 5,751,933 in view of Wheel et al., WO 95/09387.

Dev teaches the invention substantially as claimed including a system for determining the status of entities in computer network (see abstract).

As to claim 35, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer, the manager system comprising:

at least one processor, said processor configured to display a plurality of alert types to a user in a graphic display, each of said alert types corresponding to a status of components in the computer, said processor further configured to receive a plurality of unfiltered alerts from the agent computer, said alerts corresponding to an alert type; and a user interface providing a description of said alerts to the user (see figs. 1-4; fig. 10; col. 7, lines 25-30; col. 14-15, Dev discloses a user graphical interface which allows a user to display different views showing status information regarding significant events from network devices at the virtual network machine):

Dev fails to teach the claimed limitation wherein the user interface is configured to allow a user to selectively disable one or more alert notifications related to said alerts for future display to the user when an alert occurs.

However, Wheel teaches a management console for monitoring alerts from different process control computers having a graphical display of indicators of the status of the selected parameters (see fig. 1; pages 6-7). Wheel teaches the claimed limitation wherein the user interface allow a user to selectively disable one or more alert notifications related to said alerts for future display to the user when an alert occurs (see figs. 1-4, 25-26; pages 17, 25, 48-50, Wheel teaches a management console having a display 28, the display 28 having a un-acknowledged alert window 46, and active alarms window 48 which lists all acknowledged and un-acknowledged alarms. The operator may manipulate the interface screen display so that alarms in un-acknowledged alert window 46 are not displayed there and are moved automatically to active alarms window 48 which can be obfuscated or iconized and rendered undisplayable).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dev in view of the management console as taught by Wheel so that alarms and their notification status is disabled by graphic screen manipulations to allow

the operator to effectively manage computer alarms. One would be motivated to do so to prevent sensory overload on the human operator responsible for control of the management console.

6. Claims 1-25, and 27-34 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach singly or in combination the claimed limitation of "wherein the user enables or disables automatic display of alerts by selecting or deselecting a corresponding alert type in said graphic display" as in claims 1, 13, 22, 25, and 34.

8. Applicant's arguments filed on June 8, 2001 have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that the neither Dev not Wheele, singly or in combination teach or suggest a module configured to allow a user to selectively disable or enable a future display of one or more alert notifications by selecting or deselecting a corresponding alert type.

In response the claimed language of a module configured to allow a user to selectively disable or enable a future display of one or more alert notifications by selecting or deselecting a corresponding alert type is not present in claim 35 and therefore the above argument does not apply to claim 35.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AN MENG AI, can be reached on (703) 305-9678. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Saleh Najjar
Examiner Art Unit 2154